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11 Attorneys for Defendant GTE Mobilnet  
12 of California Limited Partnership d/b/a  
13 Verizon Wireless (erroneously sued and  
14 referred to herein as "Verizon Wireless")

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

17 JANET PICKENS, )  
18 )  
19 Plaintiff, )  
20 )  
21 vs. )  
22 )  
23 VERIZON WIRELESS, )  
24 )  
25 Defendant. )

26 **Case No.**  
27 **NOTICE OF REMOVAL OF ACTION**

28 TO PLAINTIFF JANET PICKENS AND TO THE CLERK OF THE ABOVE  
ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. section 1441, Defendant GTE Mobilnet of California Limited Partnership d/b/a Verizon Wireless (erroneously sued and referred to herein as "Verizon Wireless") hereby removes to this Court the state court action described below.

1. On or about November 29, 2007, Plaintiff filed an action in the Superior Court of the State of California in and for the County of San Francisco, entitled "Janet Pickens vs. Verizon Wireless," Case Number CGC-07-469579. Copies of the Summons and Complaint are attached hereto as **Exhibit A**.

1           2.       Verizon Wireless first received copies of the Summons and Complaint on  
2       December 4, 2007, when copies of these documents were served on Corporation Service  
3       Company, Verizon Wireless's registered agent for service of process in California.

4           3.       Verizon Wireless is informed and believes that Plaintiff Janet Pickens is a citizen  
5       of the State of California.

6           4.       Verizon Wireless is a partnership. Accordingly, it is, for purposes of evaluating  
7       diversity jurisdiction, a citizen of each state of which its members are citizens. *See Carden v.*  
8       *Arkoma Associates*, 494 U.S. 185, 195, 110 S. Ct. 1015, 1021 (1990). The location at which the  
9       partnership conducts business is irrelevant. *Lincoln Property Co. v. Roche*, 546 U.S. 81, 84, n. 1,  
10      126 S. Ct. 606, 609 (2005).

11          5.       The partners of Verizon Wireless are Cellco Partnership and Southwestco  
12      Wireless, L.P. As Cellco Partnership and Southwestco Wireless, L.P., are themselves  
13      partnerships, the citizenship of their members is also considered in evaluating whether diversity  
14      jurisdiction exists. *See Hart v. Terminex Int'l*, 336 F.3d 541, 542 (7th Cir. 2003).

15          6.       The partners of Southwestco Wireless, L.P., are Southwestco Wireless, Inc., and  
16      Cellco Partnership. Southwestco Wireless, Inc., is a Delaware corporation with its principal  
17      place of business in New Jersey.

18          7.       The partners of Cellco Partnership are Bell Atlantic Cellular Holdings, L.P.,  
19      NYNEX PCS Inc., PCSCO Partnership, GTE Wireless Incorporated, GTE Wireless of Ohio  
20      Incorporated, PCS Nucleus, L.P., and JV PartnerCo, LLC.

21          8.       NYNEX PCS Inc., GTE Wireless Incorporated and GTE Wireless of Ohio  
22      Incorporated are all Delaware corporations with their principal place of business in New Jersey.

23          9.       Bell Atlantic Cellular Holdings, L.P., is a partnership. Its partners are Bell  
24      Atlantic Personal Communications, Inc., and Bell Atlantic Mobile Systems, Inc., both of which  
25      are Delaware corporations with their principal places of business in New Jersey.

26          10.      PCSCO Partnership is a partnership. Its partners are Bell Atlantic Cellular  
27      Holdings, L.P., NYNEX PCS Inc., Bell Atlantic Personal Communications, Inc., and Metro  
28      Mobile CTS of Charlotte, Inc. As shown above, NYNEX PCS Inc. and Bell Atlantic Personal

1 Communications, Inc., are Delaware corporations with their principal place of business in New  
2 Jersey. Metro Mobile CTS of Charlotte, Inc., is a Virginia corporation with its principal place of  
3 business in New Jersey.

4 11. PCS Nucleus, L.P., is a partnership. Its partners are Vodafone Americas Inc., a  
5 Delaware corporation with its principal place of business in Colorado, and Vodafone Holdings  
6 LLC, a Delaware limited liability company with its principal place of business in Colorado. The  
7 sole member of Vodafone Holdings LLC is Vodafone Americas Inc.<sup>1</sup>

8 12. JV PartnerCo, LLC, is a Delaware limited liability company with its principal  
9 place of business in Colorado. Its sole member is Vodafone Americas Inc.

10 13. Plaintiff seeks compensatory damages in the amount of \$500,000. (Compl. ¶ 14.)  
11 Accordingly, the matter in controversy exceeds the sum of \$75,000, exclusive of interest and  
12 costs.

13 14. As this is a civil action between citizens of different states and the amount of  
14 controversy exceeds \$75,000, this Court has original jurisdiction over this action under 28  
15 U.S.C. § 1332. Consequently, Verizon Wireless may remove this action to this Court pursuant  
16 to the provisions of 28 U.S.C. § 1441.

17 15. Pursuant to Civil Local Rule 3-2, this action shall be assigned to the San  
18 Francisco Division or to the Oakland Division because it is a civil action which arose in San  
19 Francisco County.

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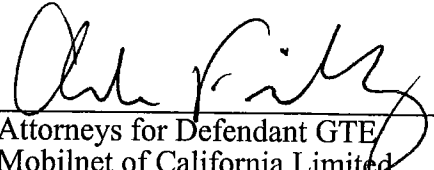
28 <sup>1</sup> “[L]ike a partnership, an LLC is a citizen of every state of which its owners/members are  
citizens.” *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

1           16.     This Notice of Removal is signed by counsel for Verizon Wireless pursuant to  
2 Rule 11 of the Federal Rules of Civil Procedure.

3  
4                     Dated: January 2, 2008

5                     GLYNN & FINLEY, LLP  
6                     ANDREW T. MORTL  
7                     ADAM FRIEDENBERG  
8                     One Walnut Creek Center  
9                     100 Pringle Avenue, Suite 500  
10                    Walnut Creek, CA 94596

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By

  
Attorneys for Defendant GTE  
Mobilnet of California Limited  
Partnership d/b/a Verizon Wireless  
(erroneously sued and referred to  
herein as "Verizon Wireless")

Docket No. CGC 07-469579

PROOF OF SERVICE BY MAIL

I, Linda Vallone, the undersigned, hereby certify and declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of 18 years and am not a party to the within cause.
2. My business address is One Walnut Creek Center, 100 Pringle Avenue, Suite 500, Walnut Creek, CA 94596.
3. I am familiar with my employer's mail collection and processing practices; know that said mail is collected and deposited with the United States Postal Service on the same day it is deposited in interoffice mail; and know that postage thereon is fully prepaid.
4. Following said practice, on January 2, 2008 I served a true and correct copy of the attached document(s) entitled exactly:

**NOTICE OF REMOVAL OF ACTION**

by placing it in an addressed, sealed envelope and depositing it in regularly maintained interoffice mail to the following:

**Janet Pickens  
60 Cashmere Street, #1A  
San Francisco, CA 94124  
(415) 648-1579**

Executed this 2nd day of January, 2008 at Walnut Creek, California.

\_\_\_\_\_  
Linda Vallone

***EXHIBIT A***

SUM-100

# SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

Verizon Wireless

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Janet Pickers

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:  
(El nombre y dirección de la corte es):

Superior Court of California, San Francisco, CA 94124, 400 McAllister Street, San Francisco, CA 94102

CASE NUMBER:  
(Número del caso) **CC-07-469579**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Janet Pickens, 60 Cashmere St., #1A, San Francisco, CA 94124, 415-648-1579.

DATE:

(Fecha) **NOV 29 2007**

**GORDON PARK-LI**

Clerk, by

(Secretario)

**Jun Paneto**

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

## NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

under: ☒ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

Page 1 of 1

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.



PLD-PI-001

SHORT TITLE:	CASE NUMBER:
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4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. ☒ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☒ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

- c. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

- b. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

- d. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☐ Doe defendants (specify Doe numbers): \_\_\_\_\_ were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. ☐ Doe defendants (specify Doe numbers): \_\_\_\_\_ are persons whose capacities are unknown to plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.

b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.

c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.

d. ☐ other (specify):

9. ☒ Plaintiff is required to comply with a claims statute, and

a. ☒ has complied with applicable claims statutes, or

b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:	CASE NUMBER:
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle  
b. ☒ General Negligence  
c. ☐ Intentional Tort  
d. ☐ Products Liability  
e. ☐ Premises Liability  
f. ☒ Other (specify):

The defendants has made a cellular telephone (the Juke by Samsung) by using the plaintiff's spirit form. When you ask the particular cell phone who it is, it says "Janet Pickens". The defendants did this without the permission of the plaintiff, Ms. Pickens

11. Plaintiff has suffered

- a. ☐ wage loss  
b. ☐ loss of use of property  
c. ☐ hospital and medical expenses  
d. ☐ general damage  
e. ☐ property damage  
f. ☐ loss of earning capacity  
g. ☒ other damage (specify):

Verizon has made a cellular telephone by using the plaintiff's spirit form. The cellular telephone itself says that it is "Janet Pickens" not the "Juke". Look at the cell phone it self, not the word "Juke".

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are  
a. ☐ listed in Attachment 12.  
b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages  
(2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☐ according to proof  
(2) ☒ In the amount of: \$ 500,000.00

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 11/29/07

Janet Pickens

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

Plaintiff, Mrs. Pickens, has never had  
this phone.

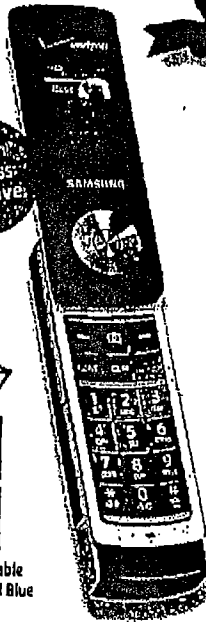
Janet →



Pickens →



Also available  
in Red and Blue



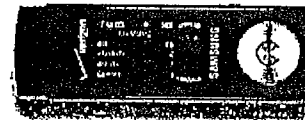
#### Juke by Samsung

It's a music player! It's a phone! It's everything you need! With 2GB\* of storage, you've got plenty of space to sync with your computer and hear all your favorite tunes.

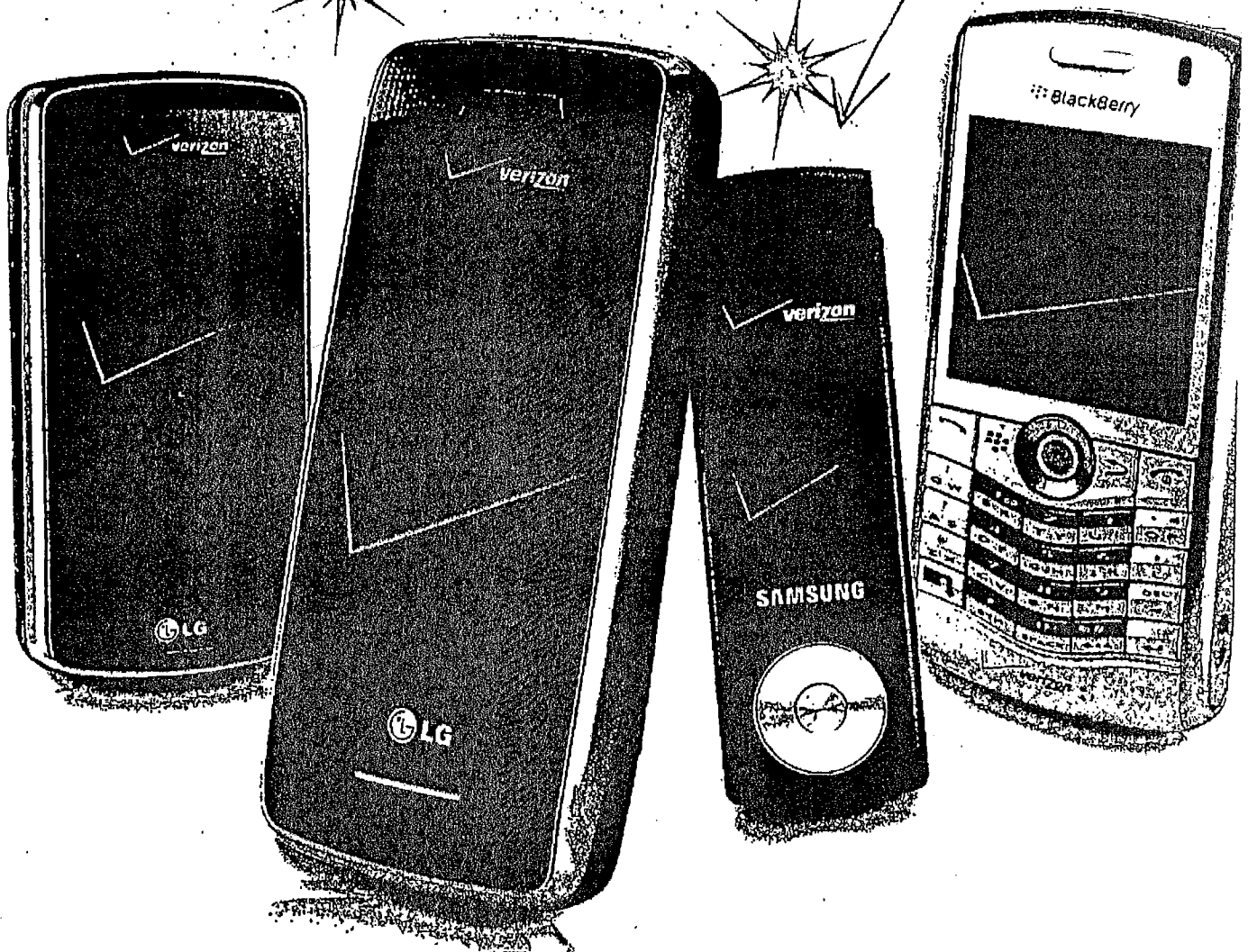
- One-touch speakerphone
- Available in Blue, Red, and Teal

#### Capabilities\*

- Text, Picture & Instant Messaging
- VZ Navigator<sup>SM</sup>



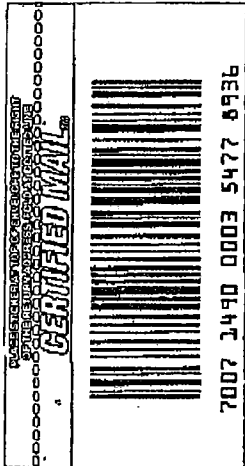
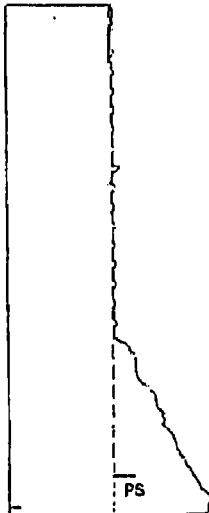
**verizon**wireless



# Next Phones Now

From America's Most Reliable Wireless Network.

Janet Pickens  
600 Cassmire St, #11A  
San Francisco, CA 94124



RETURN RECEIPT  
REQUESTED

CSC-Lawyers Inc. Service  
P.O. Box 526036  
Sacramento, CA 95852



RECEIVED  
DEC 01 08